IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.14951 of 1999

Dated: 19-06-2007

Between:

A. Sankarayya Naidu, s/o Gurakayya Naidu.

... Petitioner

and

1. The District Judge, Nellore and 2 others.

... Respondents

ORDER:

Questioning the judgment dated 18-01-1999 passed in C.M.A.No.54 of 1997 by first respondent – District Judge, Nellore, confirming the order of confiscation passed by second respondent – Divisional Forest Officer in his proceedings DOR.No.34/95-96-Nellore Range/F9, dated 21-10-1997, relating to seizure of petitioner's lorry bearing AP.03.T.4590 by third respondent – Forest Range Officer on 12-12-1995, the present writ petition has been filed seeking to quash the same.

2. Brief facts are that petitioner is the owner of lorry bearing No.AP.03.T.4590, which was involved in a forest offence and hence on the basis of a report given by third respondent proceedings were initiated

against petitioner and the vehicle was seized on 12-12-1995. The second respondent held an enquiry into the matter and had ultimately passed an order on

21-10-1997 holding that petitioner was clandestinely carrying on 158 red sander logs weighing 5,375 kgs., in the said lorry. It was also held that the other vehicle belonging to petitioner was also involved in another forest offence and thus ordered confiscation of the said red sanders and the lorry, which was involved in the crime. Against the said order, petitioner preferred an appeal in C.M.A.No.54 of 1997 before first respondent, who dismissed the said appeal on 18-01-1999 confirming the order passed by second respondent and hence, petitioner approached this Court and filed the present writ petition.

3. The main contention of learned counsel for petitioner is that

no doubt petitioner is the owner of the lorry, but he has no knowledge about the transportation of red sanders as alleged by third respondent. May be the same is done at the instance of the driver and cleaner of the vehicle, but on account of the same the vehicle cannot be seized.

4. I am totally in agreement with the said proposition canvassed by learned counsel for petitioner. But, however, this Court is of the view that now no purpose would be served in getting the vehicle released in favour of petitioner. Evidently, the vehicle was seized in 1995 and thereafter second respondent passed an order on 21-10-1997 and first respondent confirmed the same on

18-01-1999. During the pendency of the said proceedings, petitioner did not ask for release of the vehicle and the vehicle was lying with the officials of the forest department. When petitioner approached this Court and filed the present writ petition questioning the said orders passed by second respondent and first respondent, he did not ask for release of the vehicle, but requested this Court to direct respondents not to dispose of the vehicle. Accordingly, this Court on

21-07-1999 in W.P.M.P.No.18385 of 1999 passed an interim direction to respondents not to dispose of the lorry of petitioner during the pendency of the writ petition. Thus, the said vehicle is lying with the forest officials right from 1995 till date i.e. 2007, for about more than 12 years and the entire vehicle must have been spoiled by now. Having regard to these circumstances, I am of the considered view that no purpose would be served in ordering release of the vehicle to petitioner. However, if the vehicle is still in existence, the same may be released in favour of petitioner.

5. Accordingly, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.19-06-2007
GLV